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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,831	09/26/2000	Gordon Wayne Dyer		4367

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EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,831

Applicant(s)

DYER, GORDON WAYNE

Examiner

John T. Haran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21, 22, 31, 32, 34, 36, 37 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17-19, 21-22, 31-32, 36-37, and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. This office action is in response to the amendment filed on 12/29/02.

Specification

2. The disclosure is objected to because of the following informalities:

It is suggested to amend the specification at page 7, line 3; page 8, line 3; and page 10, line 11 to change "3kHz to 300Ghz" to - - 3Ghz to 3000Ghz - - in order to correspond to the same amendment made to claims 17 and 22.

Appropriate correction is required.

Claim Objections

3. Claims 31 and 32 are objected to because they depend from claim 26, which has been cancelled. It is suggested to cancel claims 31 and 32. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 15, 17-19, 21-22, 36-37, and 40-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims are replete with limitations that are new matter.

In claims 15 and 19, the phrase “applying microwave radiation for a time effective to affix the formed glass and the formed plastic together whereby the shape of the formed glass and the shape of the formed plastic remain substantially unchanged” contains new matter that was not described in the specification at the time the application was filed. The specification never explicitly states that the microwave radiation affixes the formed glass and the formed plastic together, however one skilled in the art reading the application as a whole and specifically, page 12, lines 4-7, would appreciate that the purpose of applying microwave radiation is to affix the formed glass and the formed plastic together and that applicant had possession of affixing with microwave radiation. However, the specification does not describe that the shape of the formed glass and the shape of the formed plastic **remain substantially unchanged as a result of the microwave radiation application**. One skilled in the art, reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of the shape of the formed glass and the shape of the formed plastic remaining substantially unchanged as a result of the microwave radiation application.

It is noted that Applicant asserted in the response filed on 12/29/02, that “the lack of shape change is an unnecessary limitation, at least in regard to using the present process to form the exacting shaped inherently needed for ophthalmic lenses”. It is suggested to remove the phrase “whereby the shape of the formed glass and the shape of the formed plastic remain substantially unchanged” from claims 15 and 19.

Claim 40 is also new matter because the specification never describes applying a sealant only to the margin of the glass and the margin of the plastic **after applying the microwave radiation to affix the glass and plastic together**. While on page 9, lines 1-5, of the specification describes "applying microwave radiation to the glass and the plastic; then applying sealant only to the margin of the glass and the margin of the plastic, whereby the center of the glass and the center of the plastic are devoid of the sealant; and finally, applying microwave radiation to the glass and the plastic for an effective time", the specification **does not** describe or indicate that the initial application of microwave radiation affixes the glass and plastic together. One skilled in the art reading the specification, at the time the application was filed, would not have appreciated that applicant had possession of applying the sealant after applying the microwave radiation to affix the glass and plastic together.

It is noted that it appears Applicant considers the invention to be affixing the formed glass and the formed plastic together solely through the use of microwave radiation and without the use of sealant. However, the specification does not describe this in a manner to convey this to one of ordinary skill in the art. One of ordinary skill in the art reading the specification, at the time the application was filed, would have believed that the invention was a method of making a glass and plastic composite wherein a sealant applied to a margin of a formed glass and a formed plastic affixes the formed glass and formed plastic together as a result of applying microwave radiation.

Claims 42 and 44 also contain new matter because the specification never describes the sealant as being strengthened by exposure to microwave radiation. It is

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noted that the Abstract teaches "a flexible, peripheral seal, whose kinetic reaction strength has been enhanced with microwave radiation". It is suggested to amend the specification to include this limitation to provide proper support for claims 42 and 44.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Kohan (U.S. Patent 5,851,328).

Kohan discloses a method for making plastic/glass laminates for use as an ophthalmic lens by adhering a wafer lens (plastic) to a base or stock lens (glass) (Column 1, lines 5-8). Both the glass lens and the plastic lens are formed to a particular shape with a center and a margin and the plastic lens is formed so the shape is adapted to the shape of the glass (See Figure 1). Adhesive is placed on the plastic lens, the glass lens is placed on top and the two are bonded under pressure with the use of microwave energy to cure the adhesive and thereby affix the formed plastic and formed glass together (Column 14, lines 19-21). It is noted that claim 15 **does not preclude** using a microwave curable adhesive to affix the formed plastic and formed glass together.

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Allowable Subject Matter

8. Claims 19, 21, 22, 37, 43, and 44 would be allowable if rewritten or amended, as suggested above, to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter:

It is generally known to eliminate the disadvantages and combine the advantages associated respectively with glass and plastic by forming glass-plastic composites for optical and ophthalmic use (Petcen, US 4543146, col. 1, lines 10-30). It is further known to apply adhesive between the glass and plastic and to cure the adhesive while pressing and that several curing methods are known to be suitable for curing the adhesive, including microwave curing (Kohan, US 5851328; col. 14, lines 14-60, col. 13, lines 30-50). However, in combination with the claimed limitations, no teaching or suggestion was found in the prior art of record to **apply sealant only to the margin of the glass and the margin of the plastic whereby the center of the glass and the center of the plastic are devoid of sealant**. In contrast, Kohan suggest placing the adhesive on the center of a substrate. In particular Kohan is directed to forming an even layer of adhesive over the entire interface between the substrates, whereas the claimed method allows a seal to be located in a peripheral, non-optical portion of the composite to minimize interference of the seal with the optical function of the composite. See Abstract of Applicant's specification.

It is also noted that it is generally well known and conventional to have optical fibers with a glass core and a plastic cladding or sheath, as shown for example in Perry (U.S. Patent 4,596,589), however there is no suggestion in the prior art of record to make an optical fiber with the claimed limitations.

Response to Arguments

10. Applicant's arguments filed on 12/29/02 have been fully considered but they are not persuasive.

Claim 15, as presently worded, reads on the invention of Kohan, i.e. using a microwave curable adhesive to affix the glass and plastic substrates together. Claim 15 does not positively exclude using a sealant or an adhesive and hence does not preclude using a sealant or an adhesive.

It is noted that it appears Applicant considers the invention to be affixing the formed glass and the formed plastic together solely through the use of microwave radiation and without the use of sealant. However, the specification does not describe this in a manner to convey this to one of ordinary skill in the art. One of ordinary skill in the art reading the specification, at the time the application was filed, would have believed that the invention was a method of making a glass and plastic composite wherein a sealant applied to a margin of a formed glass and a formed plastic affixes the formed glass and formed plastic together as a result of applying microwave radiation.

Conclusion

11. In summary this application contains allowable subject matter and will be allowed if the following amendments are made:

1. In claim 19 delete the phrase, "whereby the shape of the formed glass and the shape of the formed plastic remain substantially unchanged".

2. Amend the specification to include the limitation taught in the Abstract to provide support for claim 44.

3. Amend the specification at page 7, line 3; page 8, line 3; and page 10, line 11 to change "3kHz to 300Ghz" to - - 3Ghz to 3000Ghz - - in order to correspond to the same amendment made to claim 22.

4. Cancel claims 31 and 32 because they depend on cancelled claim 26.

5. Cancel nonelected claims 1-14 and 34.

6. Cancel claims 15, 17, 18, 36, and 40-42 because they do not contain allowable subject matter.

7. It is noted that all amendments must be made in compliance with 37 CFR 1.121.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0661


John T. Haran

January 28, 2003


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700